

**AIR RESOURCES COUNCIL**  
**MINUTES OF ONLINE MEETING #266**  
**07/13/2020**  
**DRAFT**

**MEMBERS PRESENT VIA**

**ZOOM CONFERENCE CALL:** Chairman Robert Duval, Vice Chair David Collins, Georgia Murray Elizabeth Tillotson, Kris Blomback, David Cribbie,

**NHDES – ARD PERSONNEL:** Director Craig Wright, Cathy Beahm, Karla McManus

**OTHERS PRESENT:** Shelley Marshall, Paula Scott,

**MEMBERS OF**

**THE PUBLIC PRESENT:** None

**Call to Order:**

Chairman Robert Duval read over the Online Meeting procedures outlined in the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, and called meeting #265 of the Air Resources Council (ARC) to order at 9:07 a.m. on Monday July 13, 2020. Chair Robert Duval announced that a quorum of the ARC was present. All Council Members and other attendees participated via Zoom audio/video or audio-only connections.

**Approval of Minutes:**

A motion to approve the minutes of meeting #264 moved by Kris Blomback and seconded by David Cribbie. A roll call vote was taken with all in favor..

**Division Activities and Legislative Update:**

Chairman Robert Duval introduced Director Craig Wright of the Air Resources Division (ARD). Director Wright briefly updated members of the ARC regarding issues relative to the ARD, including:

- **NHDES ARD Protection against Covid-19:**

Air Resource Division (ARD) is continuing to follow the Department of Environmental Service (DES) protocol of working remotely. ARD alternates one support staff in the office, and 3-6 other staff part time in the office on a daily basis. At this time DES expects to continue working remotely to minimize the number of employees in the office.

- **Saint-Gobain Performance Plastics - Request for a Variance Related to Air Permit:**

On June 4, 2020, Saint Gobain Performance Plastics (SGPP) submitted a request for a variance of the February 11, 2021 deadline for completing construction and installation of the PFAS air emission controls as required in RSA 125-C:10-e and Air Permit TP-0256 issued by NHDES on February 11, 2020.

In their variance request, SGPP requested that the deadline be extended due to the Town of Merrimack's pending appeal of the permit, and the COVID-19 pandemic as reasons for the request. They asked that an extension be granted until February 11, 2022 or one year from the date of the final order disposing of the Town of Merrimack's appeal, whichever is earlier.

As required under its procedural rules, NHDES has published a public notice of receipt of the variance request, for the purpose of receiving public comments. Also, as required under Env-A 202.06, NHDES has scheduled a public hearing to receive comments on the variance request. The public hearing will be held on Wednesday, August 5, 2020 at 6:00 p.m. This hearing will be conducted via GoToWebinar.

Council member Georgia Murray asked a clarifying question of other than ARD's website, was there any other form of advertisements posted for the public for the upcoming hearing. Director Wright stated that other than ARD's website notices were sent to the cities and towns; Merrimack, Londonderry, Litchfield, Manchester, Hudson. Cathy Beahm added that it was also posted in the Union Leader and Merrimack newspapers.

#### **ARD Revenues**

Council member David Cribbie asked if ARD's revenue and air permit fee projections were still accurate in light of the COVID situation. Director Wright stated that ARD is still looking at the final numbers and he will give a report at the next Air Council meeting.

#### **Status of Appeals**

Paula Scott, Appeals Clerk briefly updated members of the current ARD appeals status, including:

- **Docket No. 20-05 ARC – Town of Merrimack, NH Appeal**  
5/14/20 received Appearance of Allen Brooks. 6/1/20 issued Notice of Pre-hearing Teleconference scheduled for June 29th at 1:30 via GoToMeeting. 6/12/20 rec'd Appearances for Greg Smith and Adam Dumville for the Permittee. 6/24/20 received Appearance of Jeremy Walker for the Permittee. 6/30/20 issued 6/29/20 Pre-hearing Order scheduling a hearing for Dec 14, 2020 at 9am.
- **Docket No. 19-05 ARC – Textile Coated, Inc. (TCI) Appeal**  
5/12/20 issued Order denying Appellant's Motion for Rehearing. Docket No. 19-05 ARC- Textile Coated, Inc. is now closed.

#### **Rules: Amendment to Env-A 619.03, PSD Program Requirements**

Karla McManus explained that ARD is proposing to amend Env-A 619.03, *PSD Program Requirements*, in accordance with a request by EPA to align our rules with the federal standards, so our infrastructure SIP can be approved. The current rule outlines the provisions of federal law used for the purpose of implementing a PSD permit program that meets the requirements of Title I of the Clean Air Act.

EPA staff identified the following change that is necessary in order for EPA to take final action on NH SIP submittals, specifically the infrastructure SIP for the 2012 PM<sub>2.5</sub> NAAQS and the infrastructure and interstate transport SIP for the 2015 ozone NAAQS:

- Change the date for reference to Appendix W in Env-A 619.03 by adding a new sub-section (d) and referring to (d) in (a). The proposed rule language is attached.

On June 1, 2020 ARD sent EPA a “Commitment Letter Regarding Correcting the Reference Date to Appendix W in NH Administrative Rule Part 619.” As required under section 110(k)(4) of the Clean Air Act, New Hampshire committed, in this letter, to adopting and submitting the revisions of Env-A 619 identified above, no later than one year from the date of EPA’s conditional approval of the 2015 ozone NAAQS. Therefore, we need to start the rulemaking on this rule amendment as soon as possible.

Council member Georgia Murray moved to start the 15-day clock, seconded by Kris Blomback. A roll call vote was taken with all in favor.

**New Business:**

There was no new business to report.

**Public Commentary:**

None at this time

**Adjourn:**

Having no further business to discuss, a motion to adjourn was made by Elizabeth Tillotson and seconded by Kris Blomback. A roll call vote was taken with all in favor. Meeting #266 of the Air Resources Council adjourned at 9:39 am on July 13, 2020.